

## UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Fort Worth Division

**FILED**

June 1, 2021

KAREN MITCHELL  
CLERK, U.S. DISTRICT  
COURTNew York Life Insurance and Annuity Corporation*Plaintiff(s)**(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)***-v-**

Case No. 4:21-cv-490

*(to be filled in by the Clerk's Office)*Jury Trial: *(check one)*  Yes  NoSee Attached*Defendant(s)**(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)***THE DEFENDANT'S ANSWER TO THE COMPLAINT****I. The Parties Filing This Answer to the Complaint**

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	<u>See Attached</u>
Street Address	<u>267 South Sunset Dr</u>
City and County	<u>Littleton, Warren</u>
State and Zip Code	<u>NC 27850</u>
Telephone Number	<u>252-586-7447</u>
E-mail Address	<u>See Attached</u>

**II. The Answer and Defenses to the Complaint****A. Answering the Claims for Relief**

On a separate page or pages, write a short and plain statement of the answer to the allegations in the complaint. Number the paragraphs. The answer should correspond to each paragraph in the complaint, with paragraph 1 of the answer corresponding to paragraph 1 of the complaint, etc. For each paragraph in the complaint, state whether: the defendant admits the allegations in that paragraph; denies the allegations; lacks sufficient knowledge to admit or deny the allegations; or admits certain allegations but denies, or lacks sufficient knowledge to admit or deny, the rest.

**B. Presenting Defenses to the Claims for Relief**

Write a short and plain statement identifying the defenses to the claims, using one or more of the following alternatives that apply.

1. The court does not have subject-matter jurisdiction over the claims because *(briefly explain why there is no federal-question jurisdiction or diversity-of-citizenship jurisdiction; see the complaint form for more information)*

NA

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2. The court does not have personal jurisdiction over the defendant because *(briefly explain)*

NA

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3. The venue where the court is located is improper for this case because *(briefly explain)*

NA

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4. The defendant was served but the process—the form of the summons—was insufficient because *(briefly explain)*

NA

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5. The manner of serving the defendant with the summons and complaint was insufficient because *(briefly explain)*

NA

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6. The complaint fails to state a claim upon which relief can be granted because *(briefly explain why the facts alleged, even if true, are not enough to show the plaintiff's right to recover)*

NA

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7. Another party *(name)* \_\_\_\_\_ needs to be joined (added) in the case. The reason is *(briefly explain why joining another party is required)*

NA

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a. If the basis for subject-matter jurisdiction is diversity of citizenship, state the effect of adding the other party:

The other party is a citizen of the State of *(name)* \_\_\_\_\_

Or is a citizen of *(foreign nation)* \_\_\_\_\_. The amount of damages sought from this other party is *(specify the amount)* \_\_\_\_\_

b. If the claim by this other party is based on an alleged violation of a federal constitutional or statutory right, state the basis:

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**C. Asserting Affirmative Defenses to the Claims for Relief**

Identify an affirmative defense or avoidance that provides a basis for the defendant to avoid liability for one or more of the plaintiff's claims even if the basis for the claim is met. Any affirmative defense or avoidance must be identified in the answer. Include any of the following that apply, as well as any others that may apply.

The plaintiff's claim for *(specify the claim)*

PLEASE SEE ATTACHED "THE DEFENDANT'S ANSWER and DEFENSES TO THE COMPLAINT"

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is barred by *(identify one or more of the following that apply)*:

1. Accord and satisfaction *(briefly explain)*

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2. Arbitration and award *(briefly explain)*

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3. Assumption of risk *(briefly explain)*

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4. Contributory or comparative negligence of the plaintiff *(briefly explain)*

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5. Duress *(briefly explain)*

6. Estoppel (*briefly explain*)

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7. Failure of consideration (*briefly explain*)

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8. Fraud (*briefly explain*)

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9. Illegality (*briefly explain*)

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10. Injury by fellow employee (*briefly explain*)

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11. Laches (Delay) (*briefly explain*)

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12. License (*briefly explain*)

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13. Payment (*briefly explain*)

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14. Release (*briefly explain*)

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15. Res judicata (*briefly explain*)

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16. Statute of frauds (*briefly explain*)

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17. Statute of limitations (*briefly explain*)

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18. Waiver (*briefly explain*)

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19. Other (*briefly explain*)

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**D. Asserting Claims Against the Plaintiff (Counterclaim) or Against Another Defendant (Cross-Claim)**

For either a counterclaim against the plaintiff or a cross-claim against another defendant, state briefly the facts showing why the defendant asserting the counterclaim or cross-claim is entitled to the damages or other relief sought. Do not make legal arguments. State how each opposing party was involved and what each did that caused the defendant harm or violated the defendant's rights, including the dates and places of that involvement or conduct. If more than one counterclaim or cross-claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. The defendant has the following claim against the plaintiff (*specify the claim and explain it; include a further statement of jurisdiction, if needed*):

NA

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2. The defendant has the following claim against one or more of the other defendants (*specify the claim and explain it; include a further statement of jurisdiction, if needed*):

NONE AT THIS TIME

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3. State briefly and precisely what damages or other relief the party asserting a counterclaim or cross-claim asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons that are alleged to entitle the party to actual or punitive money damages.

a. The defendant asserting the counterclaim or cross-claim against (*specify who the claim is against*) \_\_\_\_\_ alleges that the following injury or damages resulted (*specify*):

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b. The defendant seeks the following damages or other relief (*specify*):

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### III. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this answer: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the answer otherwise complies with the requirements of Rule 11.

#### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/28/2021

Signature of Defendant



Printed Name of Defendant

SHARON KAY BRITTON



KEN BRITTON

#### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Case # 4:21-cv-00490-O, NY Life & Annuity filed 04/01/2021

**Defendants:**

**Barbara Brown Family Trust DTD 3/12/2010;  
Barbara Jean Brown Living Trust DTD 3/12/2010;  
Sharon Kay Britton and Ken Britton, as co-Trustees  
of the Barbara Jean Brown Family Trust  
DTD 3/12/2010; Barbara Jean Brown Living Trust  
DTD 5/29/2018; Bob Shelton, as Trustee of  
Barbara Jean Brown Living Trust DTD 5/29/2018,**

**THE DEFENDANT'S ANSWER and DEFENSES TO THE COMPLAINT**

**I. The Parties Filing This Answer to the Complaint**

Name	Sharon Kay Britton and Ken Britton, as co-Trustees of the Barbara Jean Brown Family Trust
Email Address	<u>mrs.sharon.britton@gmail.com</u> <u>mr.ken.britton@gmail.com</u>

**II. The Answer and Defenses to the Complaint**

**A. Answering the Claims for Relief**

1. As to Paragraph 1, we admit.
2. As to Paragraph 2, Sharon admits knowledge via verbal communications with Barbara Jean Brown, decedent, that Barbara established a Trust. Sharon admits knowledge of the name Barbara Jean Brown Family Trust upon receipt on March 8, 2019, of a 9x12 white envelope addressed to Barbara Jean Brown Family Trust, 267 S Sunset Dr, Littleton, NC 27850, postmarked March 1, 2019, and containing a letter addressed "Dear Trustee(s), stapled to a packet,

measuring 8 1/2" x 11 3/4 ", entitled "Helping you through this difficult time".

***Please see attached Britton Exhibit A.***

On March 17, 2019, I sent Bob Shelton, Trustee of The Barbara Jean Brown Living Trust, an email which detailed the contents of the New York Life Insurance mail. Mr. Shelton replied via email dated March 19, 2019. I did nothing more as I did not wish to interfere with the Trustee's duties nor did the trust name of Barbara Jean Brown Family Trust register as a problem since Mr. Shelton had access to prior trust documents and could provide whatever was needed by NYLIAC. ***Please see attached Britton Exhibit B.***

We, Sharon and Ken, deny any other knowledge, whether verbal or written, about the Barbara Jean Brown Family Trust until documents were delivered on April 5, 2021, via email from Grace Pyun of d'Arcambal, Ousley & Cuyler Burk LLP representing NYLIAC regarding its filed complaint. ***Please see attached Britton Exhibit C.***

3. As to Paragraph 3, we admit knowledge of The Barbara Jean Brown Living Trust and that it was formed in the state of Arkansas with the full name being The Barbara Jean Brown Living Trust of March 9, 1998, (as restated on May 29, 2018) which was prepared by attorney John K. Ross, Ross & Shoalmire, 1820 Galleria Oaks Drive, Texarkana, TX 75503, at telephone 903-223-5653. We will provide the Court with a copy of the BJB "Living Trust" if the Court orders.

We deny knowledge regarding:

- 1) the date of its formation;
- 2) any other prior names;

- 3) any amendments or restatements prior to the death of  
Barbara Jean Brown;
- 4) any written content; or
- 5) the existence of The Barbara Jean Brown Trust of March 9, 1998,  
as documented in NYLIAC Exhibit C until receipt of NYLIAC  
Complaint in Interpleader and the Exhibits.

4. As to Paragraph 4, we admit Sharon Kay Britton is an adult, living in North Carolina. Sharon admits knowledge of Barbara naming Ken and Sharon as co-Trustees of a trust but denies any knowledge of its name or date of formation.

5. As to Paragraph 5, we admit Ken Britton is an adult, living in North Carolina. Ken admits knowledge of Barbara naming Ken and Sharon as co-Trustees of a trust but denies any knowledge of its name or date of formation.

6. As to Paragraph 6, we admit.

7. As to Paragraph 7, we admit.

8. As to Paragraph 8, we admit.

9. As to Paragraph 9, We, Sharon and Ken Britton, lack sufficient knowledge to admit or deny the amount in controversy exceeds \$75,000.00.

10. As to Paragraph 10, we admit.

11. As to Paragraph 11, we admit noting the “Lifetime Income Annuity” being a “Qualified Annuity Plan” with a “Plan Type” as an IRA. **See Plaintiff Exhibit A, Page ID 11.**

12. As to Paragraph 12, we admit NYLIAC issued a Lifetime Income Annuity Policy but due to the policy number being redacted, we lack sufficient

knowledge to admit or deny the policy number. The redacted policy number in Plaintiff's Exhibit B is shown as: [REDACTED] 9 60, which is different than "No. xxxx9640" as shown in the Complaint. **See Plaintiff Exhibit B, Page ID 85 and 88.** Additionally:

- 1) There is an Endorsement to the Policy which states, "This policy is issued in place of policy [REDACTED] 9 460, issued September 22, 2010". **See Plaintiff Exhibit B, Page ID 97;**
- 2) There is an Endorsement to the Policy entitled "Individual Retirement Annuity Endorsement." **See Plaintiff Exhibit B, Page ID 86 and Exhibit B, Page ID 99.**
- 3) On September 3 and 4, 2018, while preparing an inventory of decedent's personal papers found in a bank safe box and a home safe, I, Sharon Britton, found no document or piece of paper that referenced the Application to NYLIAC or the Policy xxxx9640.
- 4) In same inventory of papers, several statements and one policy with Policy # [REDACTED] 0272 were found but later determined by [REDACTED] Brown, beneficiary, in contact with Gina Cromwell, Agent, NY Life & Annuity, Little Rock, Arkansas, as cancelled in 2015 by Barbara Jean Brown, the decedent.
- 5) In same inventory of papers, a single-pane window envelope with a return address of NY Life Securities LLC contained a

letter dated November 17, 2011, regarding "Notification of Death Depending on Type of Trust", addressed to the Barbara Jean Brown Living Trust, annuitant: Barbara Jean Brown, Policy # █ 7638. The actual policy was not found in the bank safe box or the home safe.

- 6) Both inventories were emailed to Trustee Bob Shelton on September 8, 2018 and Microsoft Excel spreadsheets of the Bank safe box and the home safe inventories were emailed to Trustee Bob Shelton on September 12, 2018.

We admit to the remainder of Paragraph 12.

13. As to Paragraph 13, we admit per material in **Plaintiff Exhibit C**.
14. As to Paragraph 14, we admit per material in **Plaintiff Exhibit C, Page ID 129**.
15. As to Paragraph 15, we admit per material in **Plaintiff Exhibit C, Pages 61 & 81**.
16. As to Paragraph 16, we admit per material in **Plaintiff Exhibit D**.  
  
In the inventories of Barbara Jean Brown papers, Policy # xxxx0198 was in the home safe. I, Sharon Britton, performed those inventories on September 3 and 4, 2018, at the home of decedent and her spouse, my dad.
17. As to Paragraph 17, we admit and Sharon was present at her death.
18. As to Paragraph 18, we admit per material in **Plaintiff Complaint**.
19. As to Paragraph 19, we admit per material in **Plaintiff Exhibit F**.

20. As to Paragraph 20, we agree with the entirety of the paragraph but note:

- 1) We have no prior knowledge of any original or restatements of the Barbara Jean Brown Living Trust of March 9, 1998, excepting the restatement of May 29, 2018. I, Sharon, found several older dated trust documents in the bank safe deposit of Barbara Jean Brown upon her death but examined them only for dates, then listing on the inventory with the description of: "There were several envelopes of OLD drafts and/or final copies of trusts that had been replaced by the new one, Barbara Jean Brown Living Trust of March 9, 1998, (as restated on May 29, 2018. Those "several envelopes" were returned to the banker boxes for the Trustee Bob Shelton to examine. ***Please see attached Britton Exhibit D.***
- 2) We agree that Bob Shelton provided exact copies of pages 1 and 5 of the Barbara Jean Brown Living Trust. Due to pages 2 and 3 missing from Plaintiff's Exhibit F, possibly due to redaction, we can neither agree nor deny. We deny page 4 of Plaintiff's Exhibit F being an exact copy, possibly due to redaction.  
We further note that Plaintiff likely mistyped the name of the trust as "Barbara Brown Living Trust".
- 3) We agree that page 34 in Plaintiff Exhibit F Page ID 289 is dated

April 23, 2015. The applicable signatory and notary pages, 34 and 35, of the Barbara Jean Brown Living Trust of March 9, 1998, as restated May 29, 2018, are attached. ***Please see attached Britton Exhibit E.***

Plaintiff Exhibit F, Page ID 290, trust document page A-1, is not the Schedule A of the Trust restated May 29, 2018.

However, it is probably not important since the only difference is the addition of real estate.

21. As to Paragraph 21, we agree, and further state we intend to make no claim for the Annuity Death Benefits with NYLIAC. We rely on the fiduciary duties of named Trustee Bob Shelton to make required distribution of qualified and non-qualified benefits to all beneficiaries of the Trust per the terms of the Trust.
22. As to Paragraph 22, we agree.
23. As to Paragraph 23, we agree.
24. As to Paragraph 24, we agree.
25. As to Paragraph 25, we agree.
26. As to Paragraph 26, we agree.

#### **ANSWER TO PRAYER FOR JUDGEMENT**

As to Paragraphs (a), (c) through (e), we, Sharon and Ken Britton, agree.

As to Paragraph (b), we, Sharon and Ken Britton, agree to not institute or prosecute NYLIAC in any state or United States court affecting the Annuity Death Benefits and/or the Policy; however, upon release of the Annuity Death Benefits to Bob Shelton, Trustee of the Barbara Jean Brown Living Trust of March 9, 1998 as restated May 29, 2018, Sharon Kay Britton and Ken Britton, reserve all legal and constitutional rights, as individuals and beneficiary (Sharon), of the Barbara Jean Brown Living Trust of March

Trustee Bob Shelton, his attorneys, agents, or persons in a position of fiduciary, or non-fiduciary position, in any state or United States court, in matters of the management, accounting, investment, distribution or any other action whether as Trustee of the aforementioned Trust or as individual.

As to Paragraphs (f) through (g), we lack sufficient knowledge to agree or deny. We disfavor any continuing action in this case by Trustee Bob Shelton since same will further diminish the funds of the Barbara Jean Brown Living Trust of March 9, 1998 as restated May 29, 2018. Further, we rely on the Court's decision for reasonable awards of attorney fees and costs or any other relief to NYLIAC.

#### **AFFIRMATIVE DEFENSES**

Defendants, Sharon and Ken Britton, acted at all times in good faith and expeditiously, in accordance with applicable law, and without knowledge of any wrongful acts or intent.

Dated: May 27, 2021

Respectfully,

By: Sharon Kay Britton  
Sharon Kay Britton, co-Trustee  
Barbara Jean Brown Family Trust  
267 South Sunset Dr  
Littleton, NC 27850  
(252) 586-7447  
[mrs.sharon.britton@gmail.com](mailto:mrs.sharon.britton@gmail.com)

By: Ken Britton  
Ken Britton, co-Trustee  
Barbara Jean Brown Family Trust  
267 South Sunset Dr  
Littleton, NC 27850  
(252) 586-7447  
[mr.ken.britton@gmail.com](mailto:mr.ken.britton@gmail.com)

## **EXHIBIT A**



February 27, 2019

BARBARA JEAN BROWN FAMILY TRUST  
267 S SUNSET DR  
LITTLETON NC 27850

Record 38k/19



RECEIVED  
2021 MAR 01 PM 10:23  
U.S. POSTAL SERVICE  
2021 MAR 01 PM 10:23  
U.S. POSTAL SERVICE



*The Company You Keep®*

New York Life Insurance Company  
New York Life Insurance and Annuity Corporation  
(A Delaware Corporation)  
NYLIFE Insurance Company of Arizona  
(Not licensed in every state)  
P.O. Box 6916  
Cleveland, OH 44101  
1-800-695-9873  
[www.newyorklife.com](http://www.newyorklife.com)

February 27, 2019

BARBARA JEAN BROWN FAMILY TRUST  
267 S SUNSET DR  
LITTLETON NC 27850

Annuitant(s): Barbara Jean Brown  
Policy(s): 74 739 460  
Claim No.: 606747  
Beneficiary: Barbara Jean Brown Family Trust dated March 9, 1998 Second Restatement March 12, 2010

New York Life is here for you.

Dear Trustee(s):

Please accept our condolences for your loss. New York Life is committed to helping the beneficiary receive the benefits intended by our policy owner. To proceed with this claim, please submit the following:

- Death Benefit Proceeds form completed by the trustee(s) with the trust information, including the trust's Taxpayer Identification Number and signed by the trustee(s)
- Copy of the title, signature, and notary pages of the trust, including pages showing the trustee(s) and successor trustee(s), as well as any applicable amendments
- Confirmation of Trust completed by the trustee(s) with the trust information
- IRS form W-9 completed with the trust information including the trust's Tax Identification Number and signed by the trustee(s)

For your convenience, we have enclosed a postage paid return envelope. As soon as we receive the requested document(s), we will give this claim our immediate attention. Please be aware that any original documents needed to process this claim, such as the death certificate, will be retained in our records and cannot be returned.

If you think that we have been misinformed or if you have any additional information pertinent to the claim, please contact us at the toll-free number above. We will be pleased to consider any facts you submit. Any one of our representatives will be happy to assist you.

We stand by our promise to be there for our beneficiaries. Please know that our New York Life Agents are also here for you and may contact you to assist in the claim process, including delivery of the death benefit proceeds.

If you have any questions or need further assistance, please do not hesitate to contact a customer service representative at 1-800-695-9873 Monday through Friday, from 8 a.m. to 7 p.m. ET. Please say the word "Claims" at any time during the interactive menu to be transferred directly to the Claims Department.

On behalf of New York Life,  
Mary Beth Duirk  
Customer Service Claims

Enc.

Help.  
through  
this difficult  
time.

New York Life Claim Kit for Individual Life  
Insurance and Annuity Death Proceeds



The Company You Keep®

# Frequently Asked Questions Concerning Death Benefit Proceeds

notification of an insured's death, how do  
I file a Death Benefit Proceeds form?

Helping you  
through this  
difficult time.

Compliant  
Formation  
Benefit

Premium rider, we may be able to consider a claim for  
Waiver for Premium benefits, even after the insured's

Death Benefit  
Proceeds For  
Individual  
Life and  
Annuities

Q: (a) If the death  
contains the  
the death  
r's issue date;  
y, may I submit  
y's certificate  
death?  
stable,  
beneficiary  
made to an  
r, such as (i) a  
s. Gifts to Minors  
of the "person and  
legatee representative  
Number in the  
e Death Benefit  
Beneficiary should  
any signature

## **EXHIBIT B**

**Sharon Britton**

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**From:** Bob J Shelton <bjslaw@swbell.net>  
**Sent:** Tuesday, March 19, 2019 4:08 PM  
**To:** Sharon  
**Cc:** Paula Brown; Judy Brown  
**Subject:** Re: Forms from NY Life re Trust

Sharon,

NY Life is interfering with the administration of the Trust. The only beneficiary of the annuity is the Trust as amended and restated. I have already filed for the proceeds of the annuities as the Trustee of the Trust.

If you have any questions or comments let me know.

Bob J. Shelton, President  
Bob J. Shelton, P.C.  
5103 Chad Dr.  
Arlington, Texas 76017  
Phone # 817-654-0277  
Cell # 817-929-7277  
Fax # 817-338-1051

On Sunday, March 17, 2019, 6:44:01 PM CDT, Sharon <[mrs.sharon.britton@gmail.com](mailto:mrs.sharon.britton@gmail.com)> wrote:

Hi Bob,

NY Life sent a forms packet to me which consists of:

Letter addressed to: Barbara Jean Brown Family Trust, to my address,

regarding Annuitant: Barbara Jean Brown, Policy: 74739460, Claim No.: 606747, Beneficiary: Barbara Jean Brown Family Trust dated March 9, 1998 Second Restatement March 12, 2010,

which states, "To proceed with this claim, please submit the following:

Death Benefit Proceeds form completed by the trustee with the trust information including the trust's TIN and signed by the trustee.

Copy of the title, signature, and notary pages of the trust, including pages showing the trustee and successor trustee as well as any applicable amendments.

Confirmation of Trust completed by the trustee with the trust information.

IRS Form W-9 completed with the trust information including the trust's TIN and signed by the trustee.

Forms packet named NY Life Claim Kit for Individual Life Insurance and Annuity Death Proceeds which includes the following forms.

Instructions to complete Death Benefit Proceeds Form  
Payment Options for Death Benefit Proceeds and Settlement Alternatives  
Tax Withholding (for Annuities Only)  
Death Benefit Proceeds Form, 2 pages or front and back  
HIPAA Compliant Authorization  
Medical Information and Insurance  
Confirmation of Trust  
Prepaid Return Envelope addressed to: NY Life and Annuity Corporation  
Death Benefit Proceeds Administration  
PO Box 130539  
Dallas, TX 75313-0539

2

I would scan these and email to you but my computer is going to repair shop tomorrow. We just moved back to our house last week after living in the motel for a month after the tree fell on our house. The computer was working fine when we left but now will not display on the monitor. I'm thinking and hoping it is only a video card. We are still putting our house in order from the repair requiring furniture and article removal from the damaged area so my time for other things are severely limited. Hope you can get the forms direct from NY Life or possible online at their website.

The letter is signed by Mary Beth Duirk, Customer Service Claims  
Customer Service Phone 800-695-9873

I have a few concerns and questions but I will get back in touch whenever things are more normal.

Sincerely,

Sharon Brown Britton  
Beneficiary

3

## **EXHIBIT C**

**From:** Grace Pyun  
**To:** [mrs.sharon.britton@gmail.com](mailto:mrs.sharon.britton@gmail.com)  
**Subject:** NYLife v. Barbara Jean Brown Family Trust et al. 4:21-cv-490  
**Date:** Monday, April 05, 2021 1:59:24 PM  
**Attachments:** [#1-2.6 - Exhs A-F \(00037298xD786C\).pdf](#)  
[#1 Complaint in Interpleader \(00037299xD786C\).pdf](#)

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Mrs. Britton

Thank you for speaking with me. Attached is the complaint and exhibits of the Interpleader action that was discussed. Can you please let me know as soon as possible whether you are willing to waive service of the complaint (vs. being personally served by a process server). You can also ask whether your attorney will receive service on your behalf. If you have any questions in the meantime, I can be reached by this email or my number is 212-971-3175 x 109 prior to you retaining representation on this matter.

Thank you,  
Grace

Grace Pyun  
**DOCB**  
d'Arcambal, Ousley & Cuyler Burk LLP  
40 Fulton Street • Suite 1501  
New York, NY 10038  
(ph) 212-971-3175  
(fx) 212-971-3176  
[www.darcambal.com](http://www.darcambal.com)  
[gpyun@darcambal.com](mailto:gpyun@darcambal.com)

## **EXHIBIT D**

**From:** [Sharon Britton](#)  
**To:** ["pjslaw@swbell.net"](mailto:pjslaw@swbell.net)  
**Subject:** Bank Safe Deposit, Listing of Contents  
**Date:** Saturday, September 08, 2018 1:15:00 PM  
**Attachments:** [Listing of Bank Safe Deposit Contents, 18 pages, Sep 2018.jpg](#)

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Hi Bob Jr,

First of all, it was so very good to see you for the first time since you and I were in school. Too many years!

I am attaching 18 pages that I listed on the contents of the safe deposit box at Bank of Prescott that Mama kept. It is my plan to type this into a more organized document, but thought you might need some of this info before I can accomplish that.

Being signers on the box, Buddy and Polly retrieved the contents on Tuesday, August 28. Too busy with family, friends and the necessities of making final arrangements, we (Daddy and we children) did not have time to review the contents but the banker's box was kept in a safe place. Judy and Polly went back to their respective homes while Daddy and I were at the cemetery with Mary Ann (Daddy's niece) and her family on Saturday, September 1, 2018. On Sunday, after my inquiry, Buddy said he could clear any afternoon that Judy and Polly could make in order to go through the 'box'. Tuesday afternoon was set. In order to make that process speedier, Buddy and I agreed a list would satisfy that and provide you with information you might need.

I began the listing on Monday with a lot of detail, but as time was running out before my flight, I had to shorten the detail. I was up late on Monday night and all night Tuesday before my flight back to NC. I got it all listed but there was no time for me to read each policy or item.

On the Tuesday afternoon meeting, Daddy and all we children, quickly reviewed the list. Buddy took the documents relative to the Sonic(s) which were licensee agreements, and plats. Judy and Polly each took insurance policies and related documents to file claims. I made notes in the margin of those items on the attached listing.

We also found that the "Barbara Jean Brown Living Trust of March 9, 1998, (as restated on May 29, 2018), did not have all the changes Mama had requested by letter to the attorney Mr. Ross of Ross & Shoalmire, Texarkana, Texas. Buddy may have already contacted you on this by now.

Following this email, I will send a second listing for the contents of the home safe located in Mama's bedroom closet.

I am so glad Mama placed her trust in you to handle the administration of her wishes. And I hope that all her children offer respect and cooperation with you towards that accomplishment. If there is anything I can help with, please let me know.

Thanks so much for all you did or will do for my mama! Much love to you and your beautiful wife,

## **EXHIBIT E**

**(a) Singular and Plural; Gender**

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context.

**(b) Headings of Articles, Sections, and Subsections**

The headings of Articles, Sections, and subsections used within this agreement are included solely for the convenience and reference of the reader. They have no significance in the interpretation or construction of this agreement.

**(c) Governing Law**

Unless the Situs of Administration is changed as provided in Section 12.05, Arkansas law governs the validity and construction of this agreement.

**(d) Severability**

The invalidity or unenforceability of any provision of this agreement shall not affect the validity or enforceability of any other provision of this agreement.

**Grantor and Trustee**

I hereby execute this agreement on May 19, 2018.

I certify that I have read this agreement, that I understand it, and that it correctly states the provisions under which the trust property is to be administered and distributed by my Trustee.

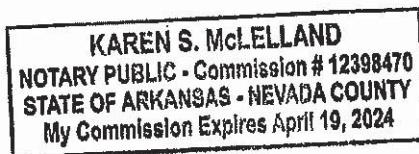
Barbara Jean Brown  
Barbara Jean Brown, Grantor and  
Trustee

Herman Brown  
Herman Brown

STATE OF ARKANSAS )  
COUNTY OF NEVADA )

Before me, the undersigned Notary Public, on this day personally appeared Barbara Jean Brown and Herman Brown, known to me (or proved to me through identification) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this day, May 29, 2018.



Karen S McLelland  
Notary Public, State of Arkansas  
My commission expires 4-19-2024

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

## I. (a) PLAINTIFFS

NEW YORK LIFE INSURANCE AND ANNUITY CORPORATION,

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

LINDA G MOORE, ESTES THORNE & CARR, PLLC  
3811 TURTLE CREEK BLVD, STE 2000, DALLAS, TX 75219  
LMOORE@ESTESTHORNECARR.COM

## DEFENDANTS

Barbara Brown Family Trust DTD 3/12/2010; Barbara Jean Brown Living Trust DTD 3/12/2010; Sharon Kay Britton &amp; Ken Britton, as co-Trustees of the Barbara Jean Brown Family Trust DTD 3/12/2010; Bob Shelton, as Trustee of Barbara Jean Brown Living Trust DTD 3/29/2018

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Sharon Kay Britton &amp; Ken Britton, Pro Se

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input checked="" type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 30 Stockholders' Suits <input checked="" type="checkbox"/>	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 30 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 390 Other Product Liability		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus:	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		IMMIGRATION		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

## V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
---	---	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C 1335; 28 U.S.C. 1332; 28 U.S.C. 1391; 28 U.S.C. 1397

VI. CAUSE OF ACTION  
Brief description of cause: Diverse citizenship; amount in controversy exceeds \$75,000; substantial part of claim occurred in this district, one defendant lives in this judicial district.VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 11/28/2021 SIGNATURE OF ATTORNEY OF RECORD

( 11/28/2021 Sharon Kay Britton Ken Britton FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

United States District Court  
Northern District of Texas

**Electronic Case Filing (ECF) User Registration Form**

An ECF user is able to electronically file documents and receive a Notice of Electronic Filing (NEF) of documents filed in ECF. Logins are issued in accordance with the requirements of the ECF Administrative Procedures Manual. Indicate your qualifying status to register as an ECF user by checking the appropriate box below and, if requested, provide the related case number for verification purposes.

I am a licensed attorney admitted to the bar of the Northern District of Texas.

I am a licensed attorney who is **NOT** admitted to the bar of the Northern District of Texas, but I:

- am currently going through the admission process;
- have been admitted pro hac vice or intend to apply for admission pro hac vice;
- intend to appear in an MDL case (see JPML Rule 2.1(c)); or
- am exempt from admission to practice pursuant to LR 83.11 to LCrR 57.11.

I am a non-prisoner *pro se* party in a civil case.

If yes, provide the case number: 4:21-cv-490

(Note: A pro se litigant must file his or her first document in paper prior to receiving a login.)

**THE FOLLOWING INFORMATION IS REQUIRED FOR REGISTRATION:**

First/Middle/Last Name: Sharon Kay Britton

State of Admission (if any): na Bar No. (if any): na

Firm Name (if any): na

Street Address: 267 South Sunset Dr

City: Littleton State: NC Zip: 27850

Phone Number: 252-586-7447 Fax Number: na

Primary Email Address: mrs.sharon.britton@gmail.com

(Note: You may add secondary email addresses once your application is processed and you receive your account credentials.)

I consent under Fed. R. Civ. P. 5(b) to accept service electronically via my Primary or Secondary Email Address(es):

Sharon Kay Britton  
Applicant Signature

May 4, 2021  
Date

**Return to:** Attorney Admissions Clerk  
United States District Court  
1100 Commerce Street, Room 1452  
Dallas, TX 75242  
**Email:** attorney\_txnd@txnd.uscourts.gov  
**(Only one application per email, please.)**

**Sharon Britton**

---

**From:** Attorney\_txnd <Attorney\_txnd@txnd.uscourts.gov>  
**Sent:** Tuesday, May 04, 2021 1:06 PM  
**To:** Sharon Britton  
**Subject:** RE: Signed ECF User Registration Form

Ms. Britton,

As indicated on the ECF User Registration form, a pro se litigant must file his or her first document in paper prior to receiving a login. After reviewing the cited case, I am not able to pinpoint a document which you have submitted to the Court in paper form. You will either need to let me know which document has been filed by you in this case, or submit a paper filing to the District Court. As the case has been filed in the Fort Worth Division of the Northern District, you would need to appear in person, or mail documents to the following address. Please let me know if you have any further questions.

United States District Court  
501 West 10th Street, Room 310  
Fort Worth, TX 76102-3673

Regards,

Adam Bourgeois  
Operations Assistance  
214-753-2291

---

**From:** Sharon Britton <mrs.sharon.britton@gmail.com>  
**Sent:** Tuesday, May 4, 2021 11:34 AM  
**To:** Attorney\_txnd <Attorney\_txnd@txnd.uscourts.gov>  
**Subject:** Signed ECF User Registration Form

**CAUTION - EXTERNAL:**

Please find attached "ECF User Registration, Sharon Britton\_000003.pdf" which I have this day signed.

Thank you,

Sharon Britton  
[mrs.sharon.britton@gmail.com](mailto:mrs.sharon.britton@gmail.com)

252-586-7447 Home

No Fax

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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CLARK COUNTY, NEVADA

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